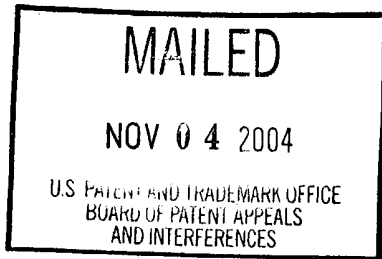


UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**



Ex parte ANDRE SMAAL

Application No. 10/010,496

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on August 9, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matter requiring attention prior to docketing is identified below.

The following prior art references used by the examiner in the Examiner's Answer have not been scanned into the official file:

Application No. BGN0281, filed Dec. 15, 1999, published Jan. 16, 2000

Cooper, Biotechnology and the Law, Sect. 8.05, pages 8-15 to 8-16 (Aug. 2000), Clark Boardman, Callaghan.

These references are needed to process the appeal.

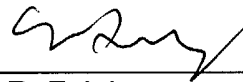
Application No. 10/010,496

Accordingly, it is

ORDERED that the application is returned to the examiner for the references to be scanned in and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: _____



Craig R. Feinberg
Program and Resource Administrator
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CRF/eld
RA05-0023